



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission

Through: Townsley Schwab, Acting Director of Planning & Environmental Resources *TS*
Mitch Harvey, AICP, Comprehensive Planning Manager *MH*

From: Kathy Grasser, Comprehensive Planner *Kg*

Date: January 27, 2009

Subject: 2008 Public Facilities Capacity Assessment Annual Report

Meeting: February 11, 2009

1 **I. PROPOSED AMENDMENT:**

2 A Resolution by The Monroe County Planning Commission recommending approval to
3 The Monroe County Board Of County Commissioners to adopt The 2008 Monroe County
4 Public Facilities Capacity Assessment Report as submitted by The Monroe County
5 Department of Planning and Environmental Resources.
6

7 **II. PROCESS**

8 This report is the annual assessment of public facilities capacity mandated by Section 9.5-
9 292 of the Monroe County Land Development Regulations (Code).
10

11 Section 9.5-292, Adequate Facilities and Development Review Procedures, contains two
12 main sets of requirements: the minimum service standards for the four primary public
13 facilities (roads, solid waste, potable water, schools), and an annual assessment process to
14 determine the available capacity of these public facilities. Section 9.5-292 includes an
15 equitable procedure for issuing permits when the rate of growth is likely to outpace the
16 current capacity of these public facilities.
17

18 Section 9.5-292 also requires the Director of Planning to prepare an annual report to the
19 Monroe County Board of County Commissioners on the capacity of available public
20 facilities. This report must determine the potential amount of residential and
21 nonresidential growth expected in the upcoming year, and make an assessment of how
22 well the roads, solid waste facilities, water supply, and schools will accommodate that
23 growth. The report has a one-year planning horizon. The report must identify areas of
24 unincorporated Monroe County with only marginal and/or inadequate capacity the public
25 facilities.
26

1 In the event that some or all public facilities have fallen or are projected to fall below the
2 LOS standards required by the Code, development activities must conform to special
3 procedures to ensure that the public facilities are not further burdened. The Code clearly
4 states that building permits shall not be issued unless the proposed use is or will be served
5 by adequate public or private facilities.
6

7 Section 9.5-292(b)(4) requires the Monroe County Board of County Commission to
8 consider this report and approve its findings either with or without modifications. The
9 County Commission cannot act to increase development capacity beyond that
10 demonstrated in this report without making specific findings of fact as to the reasons for
11 the increase, and identifying the source of funds to be used to pay for the additional
12 capacity.
13

14 Once approved by the Monroe County Board of County Commission, the Public
15 Facilities Capacity Assessment Report becomes the official assessment of public facilities
16 upon which development approvals will be based for the next year.
17

18 **III. RELEVANT PRIOR COUNTY ACTIONS**

19 This is an annual update of the assessment of the public facilities capacity.
20

21 **IV. CONSISTENCY WITH MONROE COUNTY YEAR 2010 COMPREHENSIVE** 22 **PLAN AND THE MONROE COUNTY LAND DEVELOPMENT** 23 **REGULATIONS** 24

- 25 A. *Consistency of the proposed amendment with the provisions and intent of the Monroe*
26 *County Year 2010 Comprehensive Plan:*
27

28 **Objective 101.1**

29 Monroe County shall ensure that at the time a development permit is issued, adequate
30 public facilities are available to serve the development at the adopted level of service
31 standards concurrent with the impacts of such development. [9J-5.006(3)(b)1]
32

33 **Policy 101.1.1**

34 Monroe County shall adopt level of service (LOS) standards for the following public
35 facility types required by Chapter 9J-5, F.A.C: roads, sanitary sewer, solid waste,
36 drainage, potable water, parks and recreation, and paratransit. The LOS standards are
37 established in the following sections of the Comprehensive Plan:

- 38 1. The LOS for roads is established in Traffic and Circulation Policy 301.1.1;
- 39 2. The LOS for potable water is established in Potable Water Policy 701.1.1;
- 40 3. The LOS for solid waste is established in Solid Waste Policy 801.1.1;
- 41 4. The LOS for sanitary sewer is established in Sanitary Sewer Policy 901.1.1;
- 42 5. The LOS for drainage is established in Drainage Policy 1001.1.1; and
- 43 6. The LOS for parks and recreation is established in Recreation and Open Space
44 Policy 1201.1.1. [5.006(3)(c)3]
45
46

1 **Policy 101.1.2**

2 By January 4, 1997, Monroe County shall adopt Land Development Regulations which
3 provide a Concurrency Management System (See Capital Improvements Policy
4 1401.4.5). The Concurrency Management System shall ensure that no permits will be
5 issued for new development unless adequate public facilities needed to support the
6 development at the adopted LOS standards are available concurrent with the impacts of
7 development. [9J-5.006(3)(c)3]
8

9 *B. Consistency of the proposed amendment with the provisions and intent of Chapter 9.5 of*
10 *the Monroe County, Land Development Regulations:*
11

12 Sec. 9.5-292. Adequate facilities and development review procedures.
13

14 (a) Adequate Facilities: After February 28, 1988, all development or land shall be
15 served by adequate public facilities in accordance with the following standards:
16

17 (1) Roads:

18 a. County Road 905 within three (3) miles of a parcel proposed for
19 development shall have sufficient available capacity to operate at
20 level of service D as measured on an annual average daily traffic
21 (AADT) basis at all intersections and/or roadway segments. U.S. 1
22 shall have sufficient available capacity to operate at level of
23 service C on an overall basis as measured by the U.S. 1 Level of
24 Service Task Force Methodology. In addition, the segment or
25 segments of U.S. 1, as identified in the U.S. 1 Level of Service
26 Task Force Methodology, which would be directly impacted by a
27 proposed development's access to U.S. 1, shall have sufficient
28 available capacity to operate at level of service C as measured by
29 the U.S. 1 Level of Service Task Force Methodology.
30

31 b. All secondary roads to which traffic entering or leaving the
32 development or use will have direct access shall have sufficient
33 available capacity to operate at level of service D as measured on
34 an annual average daily traffic (AADT) basis.
35

36 c. In areas which are served by inadequate transportation facilities on
37 U.S. 1, development may be approved provided that the
38 development in combination with all other permitted development
39 will not decrease travel speed by more than five (5) percent below
40 level of service C, as measured by the U.S. 1 Level of Service Task
41 Force Methodology.
42

43 d. Within thirty (30) days of the receipt of the official 1989 FDOT
44 traffic counts of U.S. Highway 1 the county shall publish a notice
45 informing the public of the available transportation capacity for
46 each road segment of U.S. 1 as described in the county's annual

1 public facilities capacity report. The available capacity shall be
2 expressed in terms of number of trips remaining until the adequate
3 transportation facilities standard is exceeded. The notice shall be
4 published in the nonlegal section of the local newspapers of
5 greatest general circulation in the Lower, Middle and Upper Keys.
6

7 (2) Solid waste: Sufficient capacity shall be available at a solid waste
8 disposal site to accommodate all existing and approved development for a
9 period of at least three (3) years from the projected date of completion of
10 the proposed development or use. The Monroe County Solid Waste and
11 Resource Recovery Authority may enter into agreements, including
12 agreements under Florida Statutes section 163.01, to dispose of solid
13 waste outside of Monroe County.
14

15 (3) Potable water: Sufficient potable water from an approved and permitted
16 source shall be available to satisfy the projected water needs of the
17 proposed development or use. Approved and permitted sources shall
18 include cisterns, wells, FCAA distribution systems, individual water
19 condensation systems, and any other system which complies with Florida
20 standards for potable water.
21

22 (4) Schools: Adequate school classroom capacity shall be available to
23 accommodate all school-age children to be generated by the proposed
24 development or use.
25

26 (5) Reports required: Monroe County shall provide monthly reports to the
27 administration commission on the status of implementing the provisions of
28 this section and the provisions of new public facilities required by this
29 section until the submittal of their comprehensive plan to the department
30 of community affairs for review under rule 9J-5, Florida Administrative
31 Code.
32

33 (b) Review of Development Permits.

34 (1) Purpose: It is the purpose of this subsection to provide an orderly and
35 equitable procedure for the issuance of development permits, other than
36 permits for additions to existing structures and other development activity
37 not requiring additional public facilities, whenever the rate of intensity of
38 growth and development is likely to exceed the capacity of essential
39 public facilities in order to ensure that the purposes of the Monroe County
40 Comprehensive Plan are achieved.
41

42 (2) Service areas: For the purposes of this subsection, unincorporated Monroe
43 County shall be divided into the following three (3) public facilities
44 service areas:
45

- a. Upper Keys Service Area: Unincorporated Monroe County north of the Whale Harbor Bridge;
- b. Middle Keys Service Area: Unincorporated Monroe County between the Seven Mile Bridge and Whale Harbor Bridge; and
- c. Lower Keys Service Area: Unincorporated Monroe County south and/or west of the Seven Mile Bridge.

(3) Annual assessment of public facilities capacity: On or before June 15 of each year, the director of planning shall submit to the board of county commissioners a report of the capacity of available public facilities in each of the service areas established in paragraph (2) of this subsection. The report shall be based on standard analytical methodologies and shall include a projection of the amount of residential and nonresidential growth that can be accommodated in each of the service areas during the ensuing year without exceeding safe and efficient provision of essential public services. The report shall clearly identify areas of inadequate facility capacity which are those areas with capacity below the adopted level of service standards as provided in subsection (a), paragraphs (1) through (4), and areas of marginally adequate facility capacity which are those areas at the adopted level of service standard or which are projected to reach inadequate capacity within the next twelve (12) months. In addition, the report shall include growth trends and projections and development permit monitoring system for each service area.

(4) Ratification of the annual service capacity report: No later than July 1 of each year, the board of county commissioners shall consider and approve or approve with modifications the annual assessment of public facilities capacity. In the event the board acts to increase the development capacity of any service area, the board shall make specific findings of fact as to the reasons for the increase, including the source of funds to be used to pay for the additional capacity required to serve additional development to be permitted during the next twelve-month period.

(5) Review procedure:

- a. In the event the approved annual assessment shows that projected growth and development during the next twelve (12) months exceeds public facilities capacity that will be available to serve the projected growth, development in one (1) or more of the service areas that will require any of the public facilities enumerated in subsection (a) that have insufficient capacity to provide safe and efficient public services shall be subject to the procedure established in this section. Development that does not require the public facilities enumerated in subsection (a) and that has sufficient capacity to provide safe and efficient public services shall not be subject to the procedure established in this section.

1 b. Areas of inadequate facility capacity: The county shall not approve
2 applications for development in areas of the county which are served
3 by inadequate facilities identified in the annual adequate facilities
4 report, except the county may approve development that will have no
5 reduction in the capacity of the facility or where the developer agrees
6 to increase the level of service of the facility to the adopted level of
7 service standard. In areas which are served by inadequate
8 transportation facilities, development may be approved in accordance
9 with subsection (a)(1)(c) of this section. An applicant, except for
10 persons applying for a single-family residence, shall prepare a
11 facilities impact report which demonstrates that:

- 12
13 i. The development will not reduce the capacity of the facility; or
14 ii. The necessary facilities and services are in place at the time a
15 development permit is issued; or
16 iii. A development permit is issued subject to the condition that the
17 necessary facilities and services will be in place when the
18 impacts of the development occur; or
19 iv. The necessary facilities are under construction at the time a
20 permit is issued; or
21 v. The necessary facilities and services are guaranteed in an
22 enforceable development agreement, which may include, but is
23 not limited to, development agreements pursuant to Florida
24 Statutes section 163.3220, or an agreement or development
25 order issued pursuant to Florida Statutes chapter 380; or
26 vi. The necessary facilities and services will be served by a
27 concurrency management system which meets the
28 requirements of rule 9J-5, Florida Administrative Code, and
29 Florida Statutes chapter 163.
30

31 c. Areas of marginally adequate facility capacity: In areas of marginal
32 facility capacity as identified in the current annual adequate facilities
33 report, the county shall either deny the application or condition the
34 approval so that the level of service standard is not violated. A facilities
35 impact report shall be prepared except for a single-family residence in
36 these areas to demonstrate the standards in subparagraph b. have been met.
37

38 d. Facilities impact report requirements: The facilities impact report required
39 by this section shall use acceptable professional methodologies and
40 standards inclusive of a cumulative traffic impact analysis, where
41 necessary, as provided by the director of planning.
42

43 (6) Exemptions: In addition to the exemptions from development described in
44 section 9.5-4(D-8)(c) of this chapter, the following construction activities shall
45 not be considered development for the purposes of this section only:
46

- a. The rebuilding or restoration of a single-family home damaged or destroyed by fire, calamity, or natural disaster as long as the rebuilding or restoration takes place within the footprint of the destroyed or damaged structure and as long as there is no increase in density or intensity of use.
- b. The replacement of a mobile home upon the same lot where the original was located as long as there is no increase in density or intensity of use.
- c. The construction of fences.
- d. The construction of slabs for existing buildings.
- e. The pavement of driveways.
- f. The construction of docks and seawalls.
- g. The construction of tikis.
- h. The construction of swimming pools.
- i. The installation of storm shutters.

IX. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Section 9.5-292 of the Land Development Regulations provides the minimum standards for level of service for roads, solid waste, potable water and educational facilities.
2. Section 9.5-292 of the Land Development Regulations requires the annual assessment of public facilities capacity to clearly state those portions of unincorporated Monroe County with inadequate or marginally adequate public facilities.
3. Section 9.5-292(a)(1)d. requires the County to publish in a local newspaper of greatest circulation information regarding the available transportation capacity for each road segment expressed in terms of number of trips remaining until the adequate transportation facilities standard is exceeded.
4. The 2008 Public Facilities Capacity Assessment Report becomes the official assessment of public facilities upon which development approvals will be reviewed and approved for the upcoming year.
5. The 2008 Public Facilities Capacity Assessment Report is used to evaluate the existing level of services for roads, solid waste, potable water, and educational facilities.
6. The 2008 Public Facilities Capacity Assessment Report finds that sufficient capacity exists for solid waste, potable water, and educational facilities to meet anticipated growth through 2009.
7. The 2008 Public Facilities Capacity Assessment Report of transportation facilities is based on the 2008 US-1 Travel Time and Delay Study prepared by URS the County's transportation consultant.

- 1 8. US 1 segments with reserve speeds of less than or equal to 3 mph ("marginally
2 adequate") should be given particular attention when approving development
3 applications.
4
- 5 9. County regulations and FDOT policy allow segments that fail to meet LOS C
6 standards to receive an allocation not to exceed five percent below the LOS C
7 standard.
8
- 9 10. Sugarloaf Key and Tea Table Key have fallen to LOS D and are within the five
10 percent allocation for trips. Sugarloaf Key has a maximum reserve volume (trips) of
11 1,308. Tea Table has a maximum reserve volume (trips) of 858 trips.
12
- 13 11. Cross Key and Big Pine Key Two have failed to meet the LOS C standards and have
14 exceeded the maximum reserve volume (trips). Cross Key has fallen to a LOS E. Big
15 Pine Key has dropped to a LOS D.
16
- 17 12. In March 2008, South Florida Water Management District approved the FCAA's
18 modification of WUP 13-00005-5-W for a 20-year allocation from the Biscayne and
19 Florida Aquifers. This WUP provides an annual allocation of 8,751 millions gallons or
20 23.98 MGD and a maximum monthly allocation of 809 MG with a limited annual
21 withdrawal from the Biscayne Aquifer of 6,492 MG or 17.79 MGD and an average dry
22 season of 17.0 MGD. and
23
- 24 13. The average daily water demand is expected to increase to 16.28 MGD due to water
25 shortages and droughts. The construction of the new water supply wells and RO water
26 treatment facility will provide an additional capacity of 6.0 MGD.
27
- 28 14. For unincorporated Monroe County in 2008, the seasonal population is estimated to be
29 35,929 and the functional population is estimated to be 70,386.
30
- 31 15. A total of 128 single-family residential permits were issued in unincorporated Monroe
32 County in 2007, 377 less than or a 66% decrease from 2006.
33
- 34 16. The current rate of growth guidelines indicates that unincorporated Monroe County has
35 a total of 197 residential allocations it may award during ROGO Year 16.
36
- 37 17. The Nonresidential Rate of Growth Ordinance (NROGO) was approved and became
38 effective in November 2002. In terms of the number of new non-residential permits, a
39 total of 17,938 square feet of new commercial development was issued between in Year
40 16.
41
- 42 18. The BOCC recommended 35,000 square feet to be allocated for Year 17 (July 2007
43 through July 2008).
44

1 19. Based on the above analysis and findings of fact, the 2008 Public Facilities Capacity
2 Assessment Report is consistent with the Monroe County Year 2010 Comprehensive Plan
3 and the current Monroe County Code.
4

5 X. STAFF RECOMMENDATION:
6 **APPROVAL**